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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [EC](#)  
SUBJECT: ECUADOR -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. STATE 59732  
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Ecuador of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Ecuador and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Ecuador of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Ecuador,s country narrative in the 2009 TIP Report:

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ECUADOR (TIER 2)  
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Ecuador is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. The majority of trafficking victims are believed to be children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. According to a recent government study, the main destination provinces for human trafficking include Pichincha, Guayas, Esmeraldas, and Manabi. Ecuadorian children are trafficked to Colombia, Venezuela, Chile, and the Dominican Republic for forced labor, particularly street begging, forced vending, and as domestic servants. Ecuadorian women are trafficked to Colombia, Peru, Venezuela, and Western Europe for commercial sexual exploitation. To a lesser extent, Ecuador is a destination country for the trafficking of Colombian and Peruvian women and girls for commercial sexual exploitation, particularly in border areas, the Amazon region, and cities such as Quito, Santo Domingo, and Esmeraldas. Ecuador is a transit country for Asian nationals to the Western Hemisphere; while some migrants consent to being smuggled through Ecuador, others fall victim to human traffickers along the way.

The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained strong law enforcement measures against sex trafficking offenders, in addition to victim assistance. However, the government,s law enforcement efforts did not sufficiently address forced labor, sex trafficking crimes involving adults, or evidence of trafficking-related complicity of some local government officials. Moreover, the government,s recent decision to lift its tourist visa requirement has resulted in a heavy influx of migrants into the country, some of whom may be trafficked.

Recommendations for Ecuador: Continue vigorous efforts to investigate and prosecute trafficking offenses ) including forced labor -- and convict and punish trafficking offenders, including public officials complicit in trafficking activities, particularly at the local level; increase anti-trafficking training for law enforcement and other government officials; increase raids on brothels that exploit underage children; and develop formal procedures for identifying trafficking victims among vulnerable populations, particularly adult women in prostitution and foreign migrants subject to high smuggling debts.

Prosecution  
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The government demonstrated strong but incomplete law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking pursuant to a 2005 amendment to its penal code; trafficking for the purpose of labor exploitation carries a punishment of six to nine years, imprisonment, and trafficking for sexual exploitation carries a penalty of eight to 12 years,

imprisonment. Penalties for human trafficking may be increased, by aggravating circumstances, to a maximum of 35 years, imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. During the reporting period, Ecuadorian authorities opened 85 trafficking cases across the country, and achieved convictions in 38 trafficking cases from previous years, securing sentences ranging from four to 12 years, imprisonment against offenders. Such results represent a substantial increase in efforts when compared to 2007, when the government opened 76 prosecutions and convicted five trafficking offenders.

Most cases during the current reporting period involved the inducement of children into prostitution or commercial sexual exploitation. A small number of prosecutions are related to labor exploitation, but do not appear commensurate to the incidence of forced labor in the country, particularly the large number of children exploited for forced begging and forced domestic work. Despite reports of trafficking-related corruption, particularly related to civil registry officials issuing false identity documents to Colombian minors, no investigations, prosecutions, or convictions of potentially complicit officials took place last year. According to Ecuadorian police, brothel owners commonly use false identity documents to exploit foreign children in prostitution, and to avoid criminal liability for immigration and trafficking violations in the event of a police raid. The government continued to train law enforcement personnel on anti-trafficking skills, and organized an international conference with neighboring countries on forced begging.

#### Protection

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The Ecuadorian government committed additional resources to assist trafficking victims last year. The government ensured trafficking victims, access to legal, medical, and psychological services in victim care facilities, though available shelters for trafficking victims remained lacking in many parts of the country. The government funded NGOs to provide additional victim services, allotting \$423,467 in resources for such efforts last year. Through its Victim and Witness Protection Program, the Public Ministry operated specialized anti-trafficking police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services for identified trafficking victims, and assistance for victim witnesses during court proceedings. Last year the government identified and assisted approximately 56 victims of trafficking; 12 victims accepted services from the Victim and Witness Protection Program. The government encouraged victims to assist with the investigation and prosecution of their traffickers. Law enforcement and social services personnel employed formal procedures to identify child victims of commercial sexual exploitation, but did not demonstrate adequate efforts for identifying adult trafficking victims among women exploited in brothels and other vulnerable populations. Authorities did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, though foreign victims were not typically deported from the country.

#### Prevention

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The Government of Ecuador sustained anti-trafficking prevention efforts last year. Senior government officials, including the president, condemned human trafficking in public speeches. The government continued anti-trafficking campaigns against forced child begging and child sex tourism, in addition to a media campaign warning &clients8 that purchasing child prostitution is a punishable crime. The government, however, did not report other steps to reduce demand for commercial sex acts purchased from adults or

forced labor of adults during the reporting period.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance

and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Ecuador given a ranking of Tier 2?

A: The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained strong law enforcement measures against sex trafficking offenders, in addition to victim assistance. However, the government's law enforcement efforts did not sufficiently address forced labor, sex trafficking crimes involving adults, or evidence of trafficking-related complicity of some local government officials. Moreover, the government's recent decision to lift its tourist visa requirement has resulted in a heavy influx of migrants into the country, some of whom may be trafficked.

Q2: What is the nature of Ecuador's trafficking problem?

A: Ecuador is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. The

majority of trafficking victims are believed to be children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. According to a recent government study, the main destination provinces for human trafficking include Pichincha, Guayas, Esmeraldas, and Manabi. Ecuadorian children are trafficked to Colombia, Venezuela, Chile, and the Dominican Republic for forced labor, particularly street begging, forced vending, and as domestic servants. Ecuadorian women are trafficked to Colombia, Peru, Venezuela, and Western Europe for commercial sexual exploitation. To a lesser extent, Ecuador is a destination country for the trafficking of Colombian and Peruvian women and girls for commercial sexual exploitation, particularly in border areas, the Amazon region, and cities such as Quito, Santo Domingo, and Esmeraldas. Ecuador is a transit country for Asian nationals to the Western Hemisphere; while some migrants consent to being smuggled through Ecuador, others fall victim to human traffickers along the way.

Q3: How can Ecuador improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of Ecuador could: continue vigorous efforts to investigate and prosecute trafficking offenses ) including forced labor -- and convict and punish trafficking offenders, including public officials complicit in trafficking activities, particularly at the local level; increase anti-trafficking training for law enforcement and other government officials; increase raids on brothels that exploit underage children; and develop formal procedures for identifying trafficking victims among vulnerable populations, particularly adult women in prostitution and foreign migrants subject to high smuggling debts.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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